

**BAL HARBOUR VILLAGE COUNCIL MEETING MINUTES**  
**SPECIAL MEETING – JULY 2, 2013**

A Special Meeting of the Bal Harbour Village Council was held on Tuesday, July 2, 2013, at the Bal Harbour Village Hall Council Chambers (655 – 96<sup>th</sup> Street, Bal Harbour, Florida).

**1. CALL TO ORDER/ROLL CALL:** The meeting was called to order at 6:02 p.m. by Mayor Rosenfield. The following were present:

Mayor Jean Rosenfield  
Assistant Mayor Joni D. Blachar  
Councilwoman Patricia Cohen  
Councilman Martin Packer<sup>1</sup>  
Councilman Jaime M. Sanz

Jay R. Smith, Interim Village Manager  
Ellisa L. Horvath, MMC, Village Clerk  
Richard J. Weiss, Village Attorney

As a quorum was determined to be present, the meeting commenced.

**2. PLEDGE OF ALLEGIANCE:** The Pledge was led by the Council.

**3. AGENDA: REQUEST FOR DELETIONS/ADDITIONS:** Mr. Smith requested that Tabs A, O, and S be removed from the agenda.

*A motion was offered by Assistant Mayor Blachar and seconded by Councilman Sanz to approve the removal of Tabs A, O, and S from the agenda. The motion carried (4-0).*

**4. SPECIAL PRESENTATIONS:**

**Presentation on Proposed Pier Beachfront Restaurant at Haulover Park – Kevin Asher, Miami-Dade County:** This item was removed from the agenda, at the beginning of the meeting.

**Update on Village Manager Search – Sean Baenziger, Colin Baenziger & Associates:** *Sean Baenziger* reported that the final brochure was sent out June 26<sup>th</sup>, 39 applications had been received, and 100 applications were expected.

**5. CONSENT AGENDA:**

*Anamarie Stoppa - 77 Camden*, requested that Tab E be removed.

Councilwoman Cohen requested that Tab H be removed.

*Brian Mulheren – 10245 Collins Avenue*, requested that Tab G be removed.

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<sup>1</sup> Councilman Packer arrived during the discussion of Tab E – Motion Approving Recommendations of Gated Residential Section Advisory Committee (RAC).

Approval was requested for the following remaining items:

Tab C: May 28, 2013 Regular Council Meeting Minutes  
June 4, 2013 Special Council Meeting Minutes

Tab D: Renewal of a Mutual Aid Agreement with the Florida Department of Law Enforcement (FDLE) to form a Miami Regional Operations Center Child Abduction Response Team (CART)

Tab F: Ratification of Village Manager's appointment of Valerie Rennert as a Special Master for a one-year term

**A motion was offered by Assistant Mayor Blachar and seconded by Councilwoman Cohen to approve Tabs C, D, and F on the Consent Agenda. The motion carried (4-0).**

**Tab E - Motion Approving Recommendations of Gated Residential Section Advisory Committee (RAC):** It was the consensus of the Council to delay discussion of this item, until Dr. Lelchuk arrived, per Assistant Mayor Blachar's request.

**Tab G - Motion Approving Funds for Police Pension Studies:**  
Approval was requested for up to \$35,000.00 for Jim Rizzo (GRS – Village Actuary) to complete actuarial studies for use in negotiations with the Dade County PBA.

***Brian Mulheren - 10245 Collins Avenue***, recommended going out to bid.

The Council discussed the item being delayed until September. Mr. Smith reported that the Village had been satisfied with GRS.

***Abraham Gotman - 9601 Collins Avenue and Police Pension Board Member***, noted that the Police Board hadn't heard anything regarding the item. He announced that the Police Board Chair, Lois Evans, had resigned. Mr. Smith explained that the item didn't have anything to do with the Police Pension Board. He was aware of Ms. Evans' resignation.

***Neil Alter - 9801 Collins Avenue #11U***, spoke in favor of competitive bids for all outstanding contracts.

Mayor Rosenfield spoke in favor of approval and considering bids in the future.

**A motion was offered by Councilwoman Cohen and seconded by Councilman Sanz to go out to bid for the item.**

***Ree Stoppa – 77 Camden Drive***, thought that bids were a government requirement. Mr. Weiss reported that it wasn't a requirement, but the Village had gone out for bids in the past. Ms. Stoppa spoke in favor of going out for bids.

Assistant Mayor Blachar spoke in favor of approval, due to timing and the upcoming police negotiations. She noted that the Village could go out to bid for other items in the future.

*The motion failed (2-2), with Councilwoman Cohen and Councilman Sanz voting yes and Mayor Rosenfield and Assistant Mayor Blachar voting no.*

*A motion was offered by Assistant Mayor Blachar and seconded by Mayor Rosenfield to approve. The motion failed (2-2), with Assistant Mayor Blachar and Mayor Rosenfield voting yes and Councilwoman Cohen and Councilman Sanz voting no.*

Police Chief Michael Daddario suggested that the Village receive a bid from the Police Pension Board Actuary.

The decision was left up to Mr. Smith to come to the next meeting with a proposal.

### **Tab H - Motion Authorizing Additional Funds for Basketball**

**Court:** Approval was requested for an additional \$600.00 (for revised measurements and additional post installation work) for the replacement of the basketball court in the Park (\$18,530.00 was previously approved).

Councilwoman Cohen discussed the need for a comprehensive improvement plan for the park.

Councilman Sanz discussed the need to fix the current basketball court. Assistant Mayor Blachar agreed that the repairs needed to be made.

Mr. Smith noted that the surface lasted seven years.

*A motion was offered by Councilman Sanz and seconded by Assistant Mayor Blachar to approve Tab H. The motion carried (4-0).*

## **6. PUBLIC HEARINGS:**

**Quasi-Judicial Public Hearings:** None.

**Zoning Hearings/Quasi-Judicial Public Hearings:** None.

**Ordinances Second Reading/Public Hearings:** The following Ordinance was read by title, by Mrs. Horvath:

AN ORDINANCE OF BAL HARBOUR VILLAGE, FLORIDA, AMENDING THE BAL HARBOUR VILLAGE CODE OF ORDINANCES, BY AMENDING SECTION 2-191 "SCHEDULE CIVIL PENALTIES" OF ARTICLE V "CODE ENFORCEMENT" OF CHAPTER 2 "ADMINISTRATION", AND BY AMENDING ARTICLE IV "DANGEROUS INTERSECTION SAFETY" OF CHAPTER 19 "TRAFFIC AND MOTOR VEHICLES" TO ENSURE CONSISTENCY WITH SECTION 316.0083, FLORIDA STATUTES, "THE MARK WANDALL TRAFFIC SAFETY ACT", AS AMENDED BY THE FLORIDA LEGISLATURE THROUGH THE ENACTMENT OF CS/CS/HB HOUSE BILL 7125 DURING THE 2013 LEGISLATIVE SESSION; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR CLERK DESIGNATED; PROVIDING FOR SAVINGS; PROVIDING FOR AN EFFECTIVE DATE.

*A motion was offered by Assistant Mayor Blachar and seconded by Councilwoman Cohen to approve the Ordinance.*

Mayor Rosenfield opened the public hearing.

**Dina Cellini - 211 Bal Cross Drive**, suggested that Section 9 be amended to require a \$100 minimum administrative fee, if an infraction was upheld, and for the rest to be discretionary.

Assistant Mayor Blachar spoke in favor of the amount remaining to be at the discretion of the Special Master.

Mr. Smith discussed possibly increasing the fee for the Special Master (from \$100.00 to \$500.00).

**Neil Alter - 9801 Collins Avenue**, spoke in favor of the \$100 charge and noted that if the Special Master was underpaid that was a separate issue.

There being no additional comments, Mayor Rosenfield closed the public hearing.

Councilwoman Cohen spoke against the \$100.00 charge.

Mr. Weiss noted that the Council could have a separate discussion for the Special Master fee, on another agenda.

*The motion carried (4-0), with the roll call vote as follows: Assistant Mayor Blachar yes; Councilwoman Cohen yes; Councilman Sanz yes; Mayor Rosenfield yes; Councilman Packer absent; thus becoming Ordinance No. 2013-568.*

**Ordinances First Reading/Public Hearings:** None.

**Resolutions/Public Hearings:** None.

**7. ORDINANCES FIRST READING/PUBLIC INPUT:** The following Ordinance was read by title, by Mrs. Horvath:

AN ORDINANCE OF BAL HARBOUR VILLAGE, FLORIDA, AMENDING CHAPTER 10 "MARINE STRUCTURES, ACTIVITIES AND WAYS," AMENDING ARTICLE II "USE OF PUBLIC BEACHES" TO AMEND SECTION 10-26 "DEFINITIONS" AND TO CREATE SECTION 10-34 "BEACH STORAGE" REGARDING STORAGE WITHIN THE PUBLIC BEACH; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Rosenfield explained that the Quarzo Hotel had requested to place a storage box on the beach.

*A motion was offered by Assistant Mayor Blachar and seconded by Councilwoman Cohen to approve.*

Mr. Smith explained Mr. Arcila's request for a storage box, since they were the only Village Bal Harbour Village Special Council Meeting Minutes 07/02/2013

hotel that was not a beachfront property.

**Juan Arcila - Bal Harbour Quarzo Managing Partner**, requested approval.

Mr. Weiss explained that the question was if the Council wanted to allow Village hotels, without oceanfront property, to place storage boxes on the beach.

**Ree Stoppa - 77 Camden Drive**, questioned if the Village would also provide a storage box for the residents on the west side, since a beach access path was closed for construction of the Consultatio project.

**Dina Cellini - 211 Bal Cross Drive**, questioned the location of the Quarzo's storage box. Mr. Smith noted that it would probably be behind the ONE, on the public beach. Ms. Cellini spoke in favor of the requirements applying to all the storage boxes for maintenance, etc. She also spoke in favor of uniformity.

Mr. Weiss will check to see if there was an Ordinance for the storage boxes for the oceanfront properties.

**Lori Mobley - Code Enforcement Officer** questioned if an employee of the Quarzo would be at the site of the storage box. Mr. Arcila advised that someone would be there.

**Brian Mulheren - 10245 Collins Avenue**, discussed concern with the location of the box preventing the sand from being cleaned. He spoke in favor of uniformity for placement, etc. of all the storage boxes.

**Raj Singh - 53 Camden Drive and Sea View Hotel**, spoke against approval, since he didn't see the rationale for storage for a building that wasn't on the oceanfront.

Councilman Sanz discussed the lack of space and crowding the beach. Assistant Mayor Blachar noted that was addressed in the Ordinance.

Assistant Mayor Blachar spoke in favor of approval, limited to the hotels. Mr. Weiss clarified that the Ordinance was limited to a hotel or apartment/hotel.

**Johanna Lundgren - Village Attorney**, explained an apartment hotel, which the Quarzo was. She added that the Quarzo was the only apartment hotel allowed in the Village, per the Code.

Councilwoman Cohen discussed the deterioration of the current storage boxes on the beach. She displayed pictures showing the lack of uniformity and noted that it wasn't up to Bal Harbour's standards.

Mayor Rosenfield spoke in favor of an Ordinance for the condominiums, for uniformity for the oceanfront properties. Councilwoman Cohen suggested that the Architectural Review Board provide input.

Assistant Mayor Blachar suggested that the proposed Ordinance be passed and then the Council could create a new Ordinance for all of the storage boxes, to address uniformity, etc. Mr. Weiss noted that the current storage boxes were on private property.

Assistant Mayor Blachar made it clear to Mr. Arcila that he may need to change his storage  
Bal Harbour Village Special Council Meeting Minutes 07/02/2013

box, if the Ordinance was changed in the future. Mr. Arcila agreed.

Councilman Sanz spoke in favor of approval, but requested an Ordinance that would also address the other storage boxes. Mr. Weiss requested direction on a new Ordinance for all of the storage boxes. Mr. Smith will consult with architects, etc. to provide ideas. Councilwoman Cohen also offered to work with some architects to come up with some ideas.

*The motion carried (4-0), with the roll call vote as follows: Assistant Mayor Blachar yes; Councilwoman Cohen yes; Councilman Sanz yes; Mayor Rosenfield yes; Councilman Packer absent.*

**Tab E - Motion Approving Recommendations of Gated Residential Section Advisory Committee (RAC):** Approval was requested for the following recommendations of the RAC:

- ABDI Residential Web Connect Computer Application \$275.00 monthly  
(plus the cost for an Internet connection at the Guardhouse)
- Mobile Access Control System \$3,855.00
- Enhanced Video Monitoring Equipment \$4,189.00  
\$35.00 monthly
- Video Monitor \$1,074.00

**Anamarie Stoppa - 77 Camden Drive**, spoke against the item being on the consent agenda and questioned the authority of the RAC. She discussed documents she provided to Mr. Weiss and that she thought it was a prescriptive easement. She discussed the problem with the Village performing the task for private property and noted that other residents were tired of paying for the Gated Area (lights, water, curbing, etc.). She spoke in favor of a competitive bid for security. She questioned who would sign the contract. Ms. Stoppa noted that Miami Beach Heights had the reverter clause and the properties of the streets were given and reverted back to Miami Beach Heights. She requested the Council to straighten the matter out by law.

Mr. Smith reported that the Village was paid a fee for the Gated Area items (\$30,000 annually), which staff was reviewing. He noted that he would be the one to sign the contract, on behalf of the Gated Area.

**Neil Alter - 9801 Collins Avenue**, requested information on the recommended items.

**Stuart Sobel - 271 Bal Cross Drive and RAC Member**, explained the concept of standing and the people having an interest in the subject matter. He noted that Mr. Alter and Ms. Stoppa did not live or pay the assessment in the Gated Area. He added that the Gated Area paid the Village for its services. Mr. Sobel explained that the items were needed to improve the security and would be paid by the Gated Area.

Ms. Stoppa believed that she had standing.

**Ira Lechuk - 169 Camden Drive and RAC Member**, discussed the improvements needed for the Gated Area and to improve the traffic on Collins Avenue, by alleviating the backup at the gate.

Mayor Rosenfield clarified that the items would be paid with Gated Area funds.

**Steve Greenberg - 9800 Collins Avenue**, discussed concern with Village staff being used for the Gated Area items and spoke in favor of the Gated Area hiring their own staff.

Assistant Mayor Blachar discussed the RAC, which was formed by the Council.

Councilwoman Cohen spoke in favor of improving technology, but voiced concern about the RAC directing the Village Manager and Police. She requested that the Village staff assisting the Gated Area be evaluated.

Mr. Sobel explained that the Gated Area paid for the Village staff's assistance and the Police were authorized to patrol in the area. He noted that the Gated Area could pay more for services, in the next budget cycle, if needed. He pointed out that the Gated Area residents were entitled to the same things as other Village residents (Police service, etc.).

Councilwoman Cohen discussed items that the Police were doing that were not patrolling or paid for.

Mayor Rosenfield noted that Mr. Smith was auditing the \$30,000.00 administrative fee that the Gated Area paid, to see if that was a good amount for Village staff's services.

Councilman Packer arrived.

Councilwoman Cohen spoke against the Police handling the eGO passes, since the Gated Area was private.

Mayor Rosenfield explained that the question of if the Gated Area was using excess staff time would be assessed, in correlation to the fee that the Village was paid to provide those services.

Assistant Mayor Blachar requested approval of the items and noted that the Police were not involved with the recommendations on the agenda.

Mr. Smith will come back with a report.

Councilman Packer had no objection to improved security, but questioned who would own the items when they were purchased. Mr. Weiss explained the unusual arrangement with the Gated Area (the Village assessed residents in the Gated Area and was paid a fee to provide administrative services). He noted that the Village would own the equipment, not the Gated Area residents, because it was part of an assessment by the Village.

Councilman Packer suggested that the item be delayed, until things were straightened out, since he didn't think that the Village had the right to purchase those items. He pointed out that it was Kent Security's job to provide the equipment and bill for it.

Mr. Weiss suggested that Kent Security provide a proposal to include the recommended items in their contract monthly fee, so Kent would be purchasing the items not the Village. Assistant Mayor Blachar and Councilman Sanz spoke in favor of doing so.

Mr. Smith questioned if the Security Enhancement funds, within the Gated Area fund, could be used. Mr. Weiss will look into it.

8. **RESOLUTIONS:** None.

9. **REPORTS:**

A. **VILLAGE MANAGER:**

**Discussion of Health Insurance Coverage: Lloyd Rhodes - Rhodes Insurance Group President (Village Consultant)**, discussed the current carrier Florida Blue. He reported that the Village did a Request for Proposals in 2011. He noted that the initial renewal was a 19.7% increase, which had been negotiated to an 8.3% increase, which was below the annual trend for South Florida. He spoke against going out for proposals. He recommended that the Village renew the existing plan for one year, effective October 1, 2013. He added that Larry Deets, Village Consultant, had also concurred with his recommendation.

Mr. Smith agreed with the recommendation and suggested approval.

**Neil Alter - 9801 Collins Avenue**, requested the cost. Mr. Rhodes reported that the Village's contribution would be \$484,621.00

**A motion was offered by Assistant Mayor Blachar and seconded by Councilman Sanz to approve.**

Councilman Packer questioned the addition of Obamacare in October. Mr. Rhodes clarified that the mandated coverage had been delayed one year.

Councilman Sanz noted that Mr. Rhodes did a great job with negotiating, since the private sector was paying a lot more money.

**The motion carried (5-0).**

**Abraham Gotman - 9601 Collins Avenue**, suggested that a professional negotiate, to see what the Village was getting for the money.

Mr. Smith reported that the Village had a private consultant (Larry Deets), who reviewed the proposals provided by Mr. Rhodes.

Assistant Mayor Blachar noted that she worked in a doctor's office and she knew that the plan had good benefits, at a good cost.

**Request for Authorization to Award Bid for the Collins Avenue Water Transmission Improvement Project: Peter Kunen – Craig A. Smith & Associates (Engineering Consultant)**, discussed the three bids received for the twelve inch water main project on Collins Avenue. He recommended that the bid be awarded to TB Landmark Construction Inc. (\$599,493.00), which was the lowest bidder. He reported that the project was a budgeted item.

**A motion was offered by Assistant Mayor Blachar and seconded by Councilman Sanz to approve.**

**Raj Singh - 53 Camden Drive**, questioned if the company had a history of submitting

change orders, which would affect the project's amount. Mr. Kunen reported that a prior project had change orders, due to additional requirements by the City of Miami Beach.

Councilman Packer questioned if there was a percentage limit on the amount/number of change orders that could be submitted. Mr. Kunen noted that if there was more than a ten percent increase then they would have to provide a good reason. He added that any change orders would have to be approved by the Council.

Mr. Singh suggested that the Village investigate the Contractor's track record for change orders and the amount, so they would not be able to low ball the amount.

Councilman Sanz suggested that the contract be made tighter. Mr. Kunen discussed the scope of service and noted that it was already a tighter contract, by the type of work, etc.

Councilwoman Cohen questioned if the Village had an Ordinance that required sealed bids. Mr. Smith explained the sealed bid process, versus obtaining prices.

**The motion carried (5-0).**

**Request to Authorize Execution of Change Order #2 for Bus Shelter Contract:** ***Peter Kunen – Craig A. Smith & Associates (Engineering Consultant)***, reviewed the change order for additional work on the bus shelter project, at a cost of \$399,304.42.

**A motion was offered by Councilman Sanz and seconded by Councilman Packer to approve. The motion carried (5-0).**

Councilwoman Cohen discussed the high cost for the pavers. Mr. Kunen explained that was the installed cost of the pavers, which involved a lot of work. Councilwoman Cohen thought that the pavers were very ordinary. Councilman Packer agreed that the cost was high, but discussed the need to proceed with the project. Mayor Rosenfield agreed, but noted that the project hadn't been managed properly from the beginning. Councilman Packer discussed the uniqueness of the shelters.

***Brian Mulheren – 10245 Collins Avenue***, noted that the Contractor and their work were excellent.

**Discussion of Video Technology Equipment for Council Chamber:** Mayor Rosenfield requested that the item be delayed, for further review. Councilman Packer discussed the ability to view video of the Village meetings. Councilwoman Cohen spoke in favor of embracing technology, to increase participation.

**A motion was offered by Councilwoman Cohen and seconded by Councilman Packer to approve the proposal by BIS Digital.**

***Lynne Bloch-Mullen - 10150 Collins Avenue***, spoke in favor of approval.

***Anamarie Stoppa - 77 Camden Drive***, spoke in favor of approval, to at least have it on television or some network.

***Dan Holder - 24 Bal Bay Drive***, spoke against approval.

**Isaac Salver - 10155 Collins Avenue and Bay Harbor Councilman**, spoke in favor of approval.

**Brian Mulheren - 10245 Collins Avenue**, spoke in favor of approval.

Councilwoman Cohen again spoke in favor of approval, to broadcast on the Internet.

Councilman Sanz spoke against approval, to allow more time for review. Councilman Packer agreed that it could be delayed until the next meeting. Assistant Mayor Blachar spoke against approval.

Mayor Rosenfield discussed mixed reviews from other municipalities, regarding providing video of their meetings online. She also thought that it made it easier for people not to attend the meeting.

Councilman Packer agreed that Council should not be able to participate in meetings, via Skype.

Councilwoman Cohen questioned if any municipality had revoked providing video of their meetings online. Mayor Rosenfield noted that she hadn't seen an outcry to provide video of the meetings.

**Councilwoman Cohen withdrew her motion. Councilman Packer withdrew his second to the motion.**

**A motion was offered by Councilwoman Cohen and seconded by Councilman Packer to defer the item until October. The motion carried (5-0).**

**Request for Authorization to Execute an Interlocal Agreement with Miami-Dade County Related to the Sand Transfer Operation:**  
This item was removed from the agenda, at the beginning of the meeting.

**Update on Solid Waste Services: Marc Wexler - Pro Resource Solutions LLC**, reviewed his report. Assistant Mayor Blachar hoped that they continued to improve their services.

**Dina Cellini - 211 Bal Cross Drive**, had seen improvements, but discussed bins that were still pulled to the curbside (in the Gated Area) and left until the truck came. She noted that the contract provided that the company have a recycling program, not the Village.

Mr. Wexler reported that Choice had agreed to provide a recycling program.

Councilwoman Cohen suggested that a mailing be done, to provide information on bulk day.

Mr. Smith clarified that Mr. Wexler worked for the Village, not WSI (Choice).

Councilman Sanz requested that the west side building managers be contacted, for input.

**Neil Alter – 9801 Collins Avenue**, questioned Mr. Wexler's compensation. Mr. Smith

clarified that Choice was reimbursing the Village for Mr. Wexler's costs.

**Brian Mulheren – 10245 Collins Avenue**, complained that the Harbour House containers were overflowing. He thought that it was a conflict for Mr. Wexler to work for the Village and be paid by WSI (Choice). Councilwoman Cohen suggested that Mr. Mulheren accompany WSI (Choice) and provide input.

**Damian Ribar – Waste Services International (WSI) Area Manager**, clarified that Mr. Wexler was not their consultant and he had offered to reimburse the Village for Mr. Wexler's costs, as a sign of good will.

**Discussion of Upcoming Meeting Dates:** Mr. Smith requested direction on several upcoming meeting dates. Mayor Rosenfield discussed separation of church and state and spoke against printing a calendar that only showed one religion's holiday.

**A motion was offered by Assistant Mayor Blachar and seconded by Councilwoman Cohen to change the Regular Council Meeting from July 16<sup>th</sup> to July 17<sup>th</sup>, at 7:00 p.m. and to also change the Budget Committee Meeting from July 17<sup>th</sup> to July 18<sup>th</sup>, at 7:00 p.m. The motion carried (5-0).**

**A motion was offered by Assistant Mayor Blachar and seconded by Councilwoman Cohen to schedule the Council Budget Workshop Meeting for August 20, 2013, at 7:00 p.m. The motion carried (5-0).**

**A motion was offered by Assistant Mayor Blachar and seconded by Councilwoman Cohen to schedule the First Budget Hearing for September 12, 2013 at 5:01 p.m. and the Second Budget Hearing/Regular Council Meeting for September 23, 2013 at 5:01 p.m. The motion carried (5-0).**

**Update on Village Newsletter:** Mr. Smith will provide money, in the upcoming budget, to mail the Village Newsletter out next year.

**Discussion of Agreement with PEAR Programs to Provide Park and Recreation Management and Staffing:** Mr. Smith discussed outsourcing the Park program at a cost of \$196,296.00, which would provide a savings of approximately \$50,000.00. He reported that the Village's Park Director would be retiring on August 2<sup>nd</sup>.

**Shelley Erasmus - PEAR Founder/Director**, explained the program.

Mayor Rosenfield reported that Erik Soroka, Aventura City Manager, provided a favorable recommendation.

**Brian Mulheren – 10245 Collins Avenue**, suggested that the item be bid out and more residents provide input.

**Dan Holder – 24 Bal Bay Drive**, requested that the noise created by Park events continued to be considered.

**Raj Singh – 53 Camden Drive**, questioned if residents would pay anything additional for a party at the park or if the company had expected additional income from charging residents

for items.

Mr. Smith reported that residents paid a nominal fee now for parties.

Ms. Erasmus explained that there would be no additional fees, unless programs were added that the Village wanted to charge residents for.

**Dina Cellini – 211 Bal Cross Drive**, spoke in favor of holding off and providing a comprehensive evaluation of the Park needs. She thought that the Village may not be getting the same amount of services. She voiced concern with letting employees go.

Councilman Packer questioned if the Village special events would be included in the cost. Ms. Erasmus advised that Village events could be provided, for an additional cost.

Councilwoman Cohen suggested that the Park's programs be reviewed, to determine their success. She would like more time to review the proposal, etc. She questioned the need for the Recreation Center.

Mr. Smith reported that Aventura's Park Director and City Manager had provided good reviews on PEAR. He noted that the Recreation Center was needed for the Park office, as well as the restroom facility for the Park. He noted that restrooms for the Park had been suggested in the past.

The Council discussed the Park staff. Councilwoman Cohen would like to review the Park program and provide her evaluation in September. Mr. Smith discussed the need for a Director in the Department, once the current Director retired. The Council spoke in favor of staff covering the Department, until it could be reviewed in September.

**Seth Salver – 10155 Collins Avenue**, suggested that a Request for Proposals be done.

**Michael O'Quinn – Director of Park, Recreation, and Transportation**, reviewed his job duties. He discussed the urgency of the repairs needed for the Park facilities.

Councilman Packer commended Mr. O'Quinn on his performance.

**A motion was offered by Councilman Packer and seconded by Councilman Sanz to delay the item, for further study.**

Mr. Weiss discussed the need for review of a full agreement, before it came back.

Mayor Rosenfield discussed the possibility of a short term agreement (3-6 months).

Ms. Cellini suggested that the Village staff be maintained, until an informed decision was made. She discussed other items that Mr. O'Quinn handled, which were not covered in the PEAR contract.

The Council discussed the need to improve the Park facilities and the possibility of a workshop meeting for resident input. Assistant Mayor Blachar explained that was done in the past, but nothing happened.

Mr. Smith will come up with a program on how to facilitate finding out what the residents wanted for the Park.

The motion carried (5-0).

Councilwoman Cohen offered her assistance, before the item came back to the Council.

**Discussion of Recommendation of the Budget Committee:** This item was removed from the agenda, at the beginning of the meeting.

**B. VILLAGE CLERK:**

**Lobbyist Registration Report: As of July 2, 2013:** The list of lobbyists was provided in the agenda.

**C. VILLAGE ATTORNEY:**

**Update on Park Land in Front of Guardhouse to Gated Residential Area:** Mr. Weiss reported that the item was being worked on and would be presented at the September Council meeting.

**Anamarie Stoppa – 77 Camden Drive**, thought that the Village had a right to that park and it was a prescriptive easement. She requested that the Council give permission for Mr. Weiss to review the documents she provided. Mr. Weiss explained that Ms. Stoppa had the opinion that the Village had certain rights to the park lands and roads included in the residential platt (residential area), by operation of law. Ms. Stoppa explained that by the Gated Area residents allowing the Village to pay for certain items in the Gated Area the Village had certain rights. She noted that the Developer owned the land and had the reverter clause. Ms. Stoppa noted that until 1966, the Village had no authority to do anything in the Gated Area, but the roads were never closed until the gates were installed by the Club and there was public access to those roads. She noted that the 20 years of continual use by the public could be used for a prescriptive easement. She discussed the years the Village maintained the parks in the Gated Area. She requested that the Council look into the issue.

Mrs. Horvath left the meeting.

Ms. Stoppa noted that nobody had the authority to speak on behalf of the Gated Area owners, because there was no homeowner's association established by the Developer. She urged the Council to let Mr. Weiss review her documents.

**Neil Alter – 9801 Collins Avenue**, commended Ms. Kelly for her efforts and suggested that she be compensated for her review of the minutes. He also requested that the Council direct Mr. Weiss to review the documents provided.

**Dina Cellini – 211 Bal Cross Drive**, objected to Mr. Alter's and Ms. Kelly's position. She spoke against residents trying to damage the lifestyle of other residents. She noted that both Ms. Kelly and Councilwoman Cohen had lived in the Gated Area and didn't object to those items then. She believed that they had waived their right to make the argument. Ms. Cellini noted that if there was an objection to the amount of money that the Village was still paying the Gated Area, then that should be the focus. She believed that there were other solutions to the problem, since it was an issue that could affect hundreds of the Village residents negatively. She added that if the Village residents believed that their contributions allowed them access via foot into the Gated Area, then they should be given an opportunity

to consider that as a solution, instead of the request by Ms. Kelly. She urged the Council not to follow Ms. Kelly's request.

Councilwoman Cohen noted that Ms. Kelly and Ms. Berkowitz had reviewed prior minutes and Ms. Kelly was proposing that the Village find out what was intended for that area.

Ms. Cellini pointed out that there were ways to resolve the issue, such as increasing the Village's administrative fee for that area, etc. She was open to a legal opinion on how the Gated Area could police themselves, if the RAC had the power to create ex-officio committees to do that. She offered her efforts to do that. Ms. Cellini added that the Village's compensation for water, electricity, etc. could be evaluated. She urged the Council to consider alternatives, in lieu of directing Mr. Weiss to review the items.

**Dan Holder – 24 Bal Bay Drive and RAC Member**, noted that the ownership of the streets and other parks in the Gated Area was another issue. He discussed the purpose of the RAC and noted that the Gated Area was paying for Village services. He noted that the residents in the Gated Area had bought properties there with security, etc. in mind and this could potentially remove the security and affect property values. He urged the Council to maintain what was necessary to allow people to receive their expectations when they moved into the Gated Area.

Assistant Mayor Blachar suggested that the item be deferred to the September meeting, due to the time. It was against the consensus of the Council to do so.

**Raj Singh – 53 Camden Drive**, voiced disappointment in the direction of the issue. He spoke against continuing the discussion, since a lot of people didn't know it would be discussed. He explained that a lot of people bought in the Gated Area, with the gate in place. He thought that the discussion should be publicized. He pointed out that the Gated Area also paid ad valorem taxes. He added that if the Gated Area didn't receive the services, then maybe they should create their own Village. He spoke against pushing the issue.

Councilman Packer discussed the park area in front of the guardhouse, which was the subject of the discussion. He didn't think that if the Village acquired the park area that it should open up anything else. He noted that the gates had been in operation, etc. He thought discussion of the gates was out of order.

Mr. Weiss explained that the Village Attorneys had identified a way for the Village to have ownership/control of that piece of property, without going into the issues that Ms. Kelly had raised. He discussed the critical decision of the Council on whether or not to review those items.

Mayor Rosenfield questioned if the homeowners could approve the Council using that park area. Mr. Weiss explained that the problem was that the Village couldn't get all the homeowners to approve. He clarified that he had previously reported that the parks were owned by the former trustees of the development corporation that didn't exist anymore. He noted that the Village Attorneys had a way of doing this that didn't raise the issues, but Ms. Kelly was asking the Council to go beyond that.

Councilwoman Cohen summarized that they were working towards creating a green space for everyone in the Village, in front of the guardhouse.

**D. MAYOR AND COUNCIL:**

**Discussion of Bus Shelter Ribbon Cutting – Mayor**

**Rosenfield:** Mayor Rosenfield spoke against having a ribbon cutting ceremony when the bus shelters were completed.

Assistant Mayor Blachar suggested that the remaining items be deferred to the next meeting, due to the time and the Village Clerk's absence. Councilwoman Cohen spoke against doing so.

Assistant Mayor Blachar left the meeting.

**Update on Bus Shelters – Councilman Sanz:** This item was previously discussed earlier in the meeting.

**Discussion of Police Officer at Council Meetings –**

**Councilwoman Cohen:** Councilwoman Cohen suggested that the Police Officer be located outside the door, not at the front of the room. ***It was the consensus of the Council for the Police Officer to be in the back of the room, inside the door.***

**Discussion of Architectural Review Board Posting**

**Requirements – Councilwoman Cohen:** Councilwoman Cohen requested better signs, for notice of the Architectural Review Board meeting hearings.

***Brian Mulheren – 10245 Collins Avenue,*** discussed the small size of the current posting and requested that a proper sign be used.

Mr. Weiss noted that the Village Code needed to be updated. He will provide samples of what other communities did, for the Council to provide direction for an Ordinance.

**Discussion of Architectural Review Board Membership -**

**Councilwoman Cohen:** Councilwoman Cohen spoke in favor of amending the Village Code, to allow the Architects on the Board to present before the Board.

Mr. Weiss explained that the County Code of Ethics prohibited members from appearing before their own Board. He discussed an exception for an Architect serving on the Architectural Review Board. He explained that the Village would need to amend the Architectural Review Board Ordinance, to allow the exception.

***It was the consensus of the Council to provide an amendment to the Ordinance.***

**Discussion of Painting of the Haulover Bridge –**

**Councilwoman Cohen:** Councilwoman Cohen discussed the need to paint the two walls, on the sides of the Haulover Bridge. Mr. Smith reported that the Village would need an agreement with FDOT, to paint the walls, and would have to agree to do it in perpetuity. He will approach FDOT about an agreement.

**Discussion of North Municipal Lot Landscaping –**

**Councilwoman Cohen:** Councilwoman Cohen discussed the dead plantings that the

ONE Bal Harbour had neglected, at the North Municipal Lot. She reported that the ONE had been in violation of the Development Agreement with the Village, for maintenance of that area, for three years.

Mr. Weiss will review the ONE Bal Harbour Development Agreement.

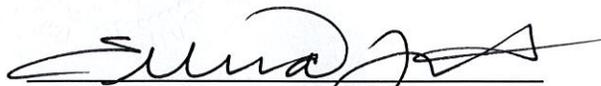
Assistant Mayor Blachar returned to the meeting.

**10. OTHER BUSINESS:**

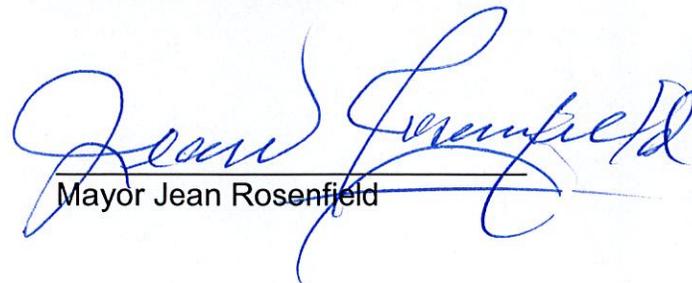
**Public Comment:** No comments were provided.

**11. ADJOURN:** There being no further business, *a motion was offered by Assistant Mayor Blachar and seconded by Councilman Sanz to adjourn. The motion carried (5-0) and the meeting was adjourned at 10:45 p.m.*

Attest:



Ellisa L. Horvath, MMC, Village Clerk



Mayor Jean Rosenfield